

BPS-129

January 21, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 04-2350

UNITED STATES OF AMERICA,

v.

ALEXIS TELESFORD,

Appellant

(D. Delaware Criminal No. 89-cr-00049-6) **KAJ**

Present: RENDELL, FISHER and VAN ANTWERPEN, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability pursuant to 28 U.S.C. § 2253;
- (2) By the Clerk is the within appeal for possible summary action under 3rd Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures; and
- (3) Appellee's response to possible summary action; in the above-captioned case.

Respectfully,

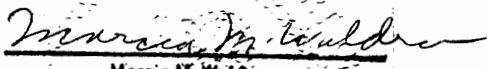
Clerk

MMW/JLR/je/par

ORDER

Petitioner's request for a certificate of appealability is denied. Petitioner has not shown that jurists of reason would find it debatable whether the District Court was correct in denying his motion for relief pursuant to Federal Rule of Civil Procedure 60(b). Slack v. McDaniel, 529 U.S. 473, 484 (2000). The District Court's order denying Petitioner's motion to correct an illegal sentence under Federal Rule of Criminal Procedure 35 is summarily affirmed. See United States v. Rivera, 376 F.3d 86, 92 (2d Cir. 2004).

A true copy.


Marcia M. Waldron,
Clerk

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge

Dated: February 15, 2005

par/cc: Mr. A.T. R.G.A., Esq.